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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,325	01/31/2002	Hideki Akiyama	0505-0949P	5566
2292	7590	09/30/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TORRES, MELANIE	
			ART UNIT	PAPER NUMBER

3683

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,325

Applicant(s)

AKIYAMA ET AL.

Examiner

Melanie Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11 and 14-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Mcfadden et al.

Re claims 1 and 9, Theobald teaches a shock absorbing structure (12) for a two-wheeled vehicle including a shock absorbing member projecting from a vehicular body (7), wherein shock is absorbed by crashing the shock absorbing member comprising a front end of the shock absorbing located in front of a front wheel (13), an upper end of the shock absorbing member located at such a position that the upper end of the shock absorbing member does not block a forward viewing area for the driver, a center of a leading end contact surface of the shock absorbing member located at a position higher than a vertical position of a center of gravity of both the vehicle and the driver and wherein right and left side surfaces of the shock absorbing member are offset to a center of a vehicular body from right and left side surfaces of the vehicular body, wherein the upper end includes a forward section with an inclined upper surface for permitting the forward viewing area of the operator to be unobstructed. However, Theobald does not teach wherein the shock absorbing member includes a plurality of

reinforcing ribs formed for absorbing a shock. McFadden et al. teaches a plurality of reinforcing ribs formed for absorbing a shock. (Figures 3 and 5) It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the reinforcing ribs of McFadden et al. in the shock absorbing member of Theobald in order to provide improved impact absorption of the apparatus.

3. Claims 2, 10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Mcfadden et al. and further in view of Ichikawa et al.

Re claim 2, 10 and 18-20, Theobald as modified does not teach wherein the shock absorbing member is mounted on a front cover. Ichikawa et al. teaches wherein a shock absorbing member is mounted on a front cover (73). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the shock absorbing member on the front cover to provide additional protection to the driver.

4. Claims 3, 4, 5, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Mcfadden et al. and Ichikawa et al. and further in view of Casse.

Re claims 3, 4, 5, 11, 13 and 14, Theobald as modified does not teach wherein the plurality of reinforcing ribs includes ribs with partially thinned sections for facilitating the absorption of shock or wherein the ribs are bilaterally simmetric. Casse teaches

wherein the plurality of reinforcing ribs includes ribs with partially thinned sections (e1) for facilitating the absorption of shock and wherein the ribs are bilaterally symmetric. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the partially thinned sections of Casse in the invention of Theobald since it is well known that such a construction facilitates impact absorption.

5. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Mcfadden et al. and Ichikawa et al. and further in view of Casse.

Re claims 6 and 15, Theobald as modified does not teach wherein the plurality of reinforcing ribs form substantially triangular shapes within each of the plurality of sections. It would have been obvious to modify Theobald by having triangular reinforcing ribs since applicant has not disclosed that having the specific shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a variety of different shapes as is well known in the art. (e.g. Martinez et al., Column 4, lines 17-19)

6. Claims 8, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald as modified in view of Brumby.

Re claims 8, 16 and 17, Theobald as modified does not teach a shock absorbing member formed from resin. Brumby (11) teaches a shock absorbing member formed from resin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the shock absorbing member of Theobald from

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resin as taught by Brumby since it is well known in the art that impact shock absorbers are formed from resin for its molding properties.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 5-11 and 14-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (703)305-0293. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703)308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Melanie Torres

MT

September 27, 2004